

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNITED STATES OF AMERICA §
§
v. § **CRIMINAL NO. 6:11-CR-0018-001**
§
ROBIN D. HATFIELD §

**REPORT AND RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

On April 25, 2011, the Court conducted a hearing to consider the government's petition to revoke the supervised release of Defendant, Robin D. Hatfield. The government was represented by Jim Noble, Assistant United States Attorney for the Eastern District of Texas, and Defendant was represented by Ken Hawk.

Defendant originally pleaded guilty to the offense of Theft of Public Money, a Class C felony. The offense carried a statutory maximum imprisonment term of ten (10) years. The United States Sentencing Guideline range, based on a total offense level of 8 and a criminal history category of III, was 6 to 12 months. On June 24, 2010, District Court Judge Louis Guirola, Jr. of the Southern District of Mississippi sentenced Defendant to time served, which was 210 days, subject to the standard conditions of release, plus special conditions to include restitution in the amount of \$14,744.55; financial disclosure; no new credit; testing and treatment for alcohol and /or drug abuse; and 60 hours of community service. On June 24, 2010, Defendant completed his period of imprisonment and began service of the supervision term. On February 16, 2011, jurisdiction of this case was transferred to the Eastern District of Texas.

In its petition, the government alleges that Defendant violated his conditions of supervised release by testing positive for cocaine on October 22, December 20 and April 18, 2010, a Grade B

violation. The government also alleges that Defendant violated his conditions of supervised release by absconding from the residential reentry center on April 25, 2011 and being present at a location where controlled substances are illegally sold, used, distributed and/or administered, both Grade C violations.

If the Court finds by a preponderance of the evidence that Defendant committed a Grade B or C violation, a statutory sentence of no more than 3 or 2 years of imprisonment, respectively, may be imposed. 18 U.S.C. § 3583(e)(3). Pursuant to § 7B1.3(a)(1) and (2) of the Sentencing Guidelines, violating a condition of supervision by committing a Grade B or C violation allows the Court to revoke probation or supervised release. U.S.S.G. § 7B3.1(a)(1) and (2). Considering Defendant's criminal history category of III, the Guideline imprisonment range for a Grade B violation is 8 to 14 months and the imprisonment range for a Grade C violation is 5 to 11 months. U.S.S.G. § 7B1.4(a).

At the hearing, the parties indicated that they had come to an agreement to resolve the petition whereby Defendant would plead true to violating the above-referenced conditions of supervision. The parties agreed on a sentence of 12 months and 1 day followed by Defendant's unserved term of 150 days in a community confinement center, with no supervised release to follow.

Pursuant to the Sentencing Reform Act of 1984 and the agreement of the parties, the Court **RECOMMENDS** Defendant Robin D. Hatfield, be committed to the custody of the Bureau of Prisons for a term of imprisonment of 12 months and 1 day followed by 150 days in a community confinement center, with no supervised release to follow. The Court further **RECOMMENDS** that the place of confinement be FCI Seagoville, Texas.

The parties have waived their right to object to the finding of the Magistrate Judge in this

matter so this Report and Recommendation will be presented to District Judge Leonard Davis for adoption immediately upon issuance.

So ORDERED and SIGNED this 6th day of May, 2011.



JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE